

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Calvin Lee Horne**

**Docket No. 5:16-CR-29-1FL**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Calvin Lee Horne, who, upon an earlier plea of guilty to Possession With the Intent to Distribute a Quantity of Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on March 24, 2017, to the custody of the Bureau of Prisons for a term of 27 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Calvin Lee Horne was released from custody on January 18, 2018, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On April 25, 2018, the defendant was charged in Halifax County, North Carolina, with Misdemeanor Larceny, Misdemeanor Possession of Stolen Goods, Resisting a Public Officer, and Felony Obtaining Property by False Pretense (18CR51472-76). Horne failed to notify the probation officer of these charges within 72 hours as required. Investigation reveals that on March 22, 2018, the defendant went to Wal-Mart in Roanoke Rapids, North Carolina, and presented an air fryer for return. It was determined that this item, having a \$95.95 value, had been stolen from another store. Additionally, he stole two items (coffee brewer and air fryer) having a value of \$248. On April 25, 2018, the defendant stole three items (iron, washing solution, and vacuum cleaner) from the same Wal-Mart. A search was conducted of the defendant's vehicle by officers with the Roanoke Rapids Police Department. Horne was driving a vehicle that had stolen tags affixed to the vehicle, and stolen items were located in the vehicle. Horne was arrested gave officers a false name; thus, the charge for resisting a public officer. Horne posted a secured bond, was released the same day, and these charges remain pending in Halifax County District Court. Although these charges remain pending, during a home inspection on May 4, 2018, Horne admitted to the probation officer that he stole the aforementioned items from Wal-Mart and attempted to return them for cash, but he advised that he had a receipt for some of the items. Additionally, he denied knowing that the tag on his girlfriend's vehicle had been stolen. As a sanction for these violations, the probation office is recommending that he be placed on 120 days curfew with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 120 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2338  
Executed On: May 8, 2018

**ORDER OF THE COURT**

Considered and ordered this 9th day of May, 2018, and ordered filed and  
made a part of the records in the above case.

  
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Louise W. Flanagan  
U.S. District Judge